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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,897	03/30/2004	Bruce W. Tryon	5704.00209	2896
26659 7590 09/20/2010 RAGGIO & DINNIN, P.C. 2701 CAMBRIDGE COURT, STE. 410 AUBURN HILLS, MI 48326			EXAMINER BEHNCKE, CHRISTINE M	
			ART UNIT 3661	PAPER NUMBER
			MAIL DATE 09/20/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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RAGGIO & DINNIN, P.C.  
2701 CAMBRIDGE COURT, STE. 410  
AUBURN HILLS MI 48326

In re Application of	:	
Bruce W. Tryon	:	DECISION ON PETITION
Application No. 10/708,897	:	UNDER 37 CFR §1.181
Filed: March 30, 2004	:	
For: HYBRID ELECTRIC VEHICLE ENERGY	:	
MANAGEMENT SYSTEM	:	

This is a decision on applicant's petition under 37 CFR 1.181 filed July 16, 2008 requesting withdrawal of the finality of the Office action mailed April 16, 2008.

The petition is **DISMISSED AS MOOT**.

Applicant alleges that the finality of the April 16, 2008 Office action was premature as the amendment of claim 23 does not necessitated the new ground of rejection. Applicant asserts that claim 23 was rewritten in independent form to include all the limitations of claims 22 and 12 upon which claim 23 depended, and a new limitation that provides proper antecedent basis for the operation of shutting off fuel flow to the power generator. The new limitation in claim 23 was added for the purpose of improving the claim's clarity.

A review of the file record shows that a non-final Office action was mailed on October 18, 2007 in which the elected claims 12-23 and 47 were rejected. Applicant filed a response on January 21, 2008 amending claims 12, 13, 16, 18-23 and 47, cancelling claims 15 and arguing the rejection. The examiner issued a final Office action on April 16, 2008 again rejecting all the elected claims. Applicant timely filed this petition on July 16, 2008. The examiner withdrew the April 16, 2008 final Office action and issued a non-final Office action on October 20, 2008.

As the corrective action has been made, the issue raised in the petition is now moot.

Any questions regarding this decision should be directed to Supervisory Patent Examiner Thomas Black at (571) 272-6956.

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tb/lm: 8/26/10

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